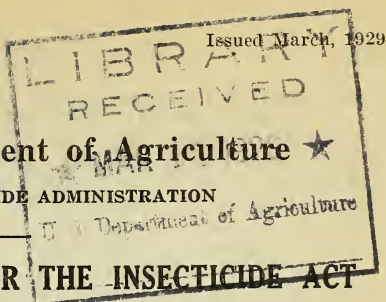


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United States Department of Agriculture ★

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the insecticide act]

1126-1150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., February 14, 1929.]

1126. Adulteration and misbranding of A. J. P. Blue Label louse powder. U. S. v. A. J. Phillips. Plea of guilty. Fine, \$40. (I. & F. No. 1449. Dom. No. 21376.)

On January 5, 1928, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. J. Phillips, Norwood, N. Y., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about July 9, 1926, from the State of New York into the State of Massachusetts, of a quantity of A. J. P. Blue Label louse powder, which was an adulterated and misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, to wit, "Nicotine, not less than .5% * * * Paradichlorobenzol 5%, Naphthaline 10%," borne on the label affixed to the packages containing the said article, represented that its standard and quality were such that it contained 0.5 per cent of nicotine, 5 per cent of paradichlorobenzol, and 10 per cent of naphthalene, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 0.5 per cent of nicotine, less than 5 per cent of paradichlorobenzol, and less than 10 per cent of naphthalene.

Misbranding was alleged for the reason that the above-quoted statements, borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 0.5 per cent of nicotine, contained not less than 5 per cent of paradichlorobenzol, and contained not less than 10 per cent of naphthalene, whereas the article contained less than 0.5 per cent of nicotine, less than 5 per cent of paradichlorobenzol, and less than 10 per cent of naphthalene.

Misbranding was alleged for the further reason that the statement, to wit, "Weight 16 Ounces, When Packed," borne on the label, represented that the packages contained 16 ounces of the article, whereas the contents of each of said packages were not correctly stated on the outside thereof, in that the said packages contained less than 16 ounces of the article.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than sabadilla seeds, sulphur, nicotine, sodium fluoride, naphthalene, and paradichlorobenzol, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances so present in the article were not stated plainly and correctly on the label affixed to the packages containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances so present therein stated plainly and correctly on the said labels.

On January 5, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1127. Adulteration and misbranding of 61. U. S. v. Harry H. Kelly, sr. Plea of guilty. Fine, \$25. (I. & F. No. 1471. Dom. No. 22079.)

On May 9, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry H. Kelly, sr., trading as the 61 Chemical Co., Philadelphia, Pa., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about November 15, 1926, from the State of Pennsylvania into the State of New Jersey, of a quantity of 61, which was an adulterated and misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was adulterated in that it was intended for use on vegetation and contained a substance or substances which would be injurious to such vegetation when used thereon as directed.

Misbranding was alleged for the reason that the statements, to wit, "Plant insects will be destroyed by mixing 1 part '61' and 4 parts water. Spray mixture with whisk broom or dust brush," borne on the label affixed to each of the cans containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against all plant insects and that it could be safely used on all plants, whereas the article, when used as directed, would not be an effective remedy against all plant insects and could not be safely used on all plants.

Misbranding was alleged for the further reason that the statements, to wit, "Carpets. Keep moths out of your carpets by spraying '61' on the carpet before wrapping up. A sprayer must be used * * * Factories, Silk Mills, Lace Mills and Worsted Mills or any factory troubled with moths or insects will save much money with the regular use of '61.' Hogs that have vermin are a losing proposition. Sponge them regularly with '61' and the pests will disappear. Regular attention with '61' will keep the hogs healthy. Clean Stables mean healthy horses. Spray '61' in the air, on the animals and in the stalls. Chickens. * * * Regular attention with '61' keeps the house deodorized. Prevents the disease and makes healthy chickens. Toilet Bowls. Add '61' to water with soap powder. Scrub with Bent Handle Toilet Brush. After scrubbing, add '61' to water in the bowl and let remain. The clean odor will purify the air * * * Hotels. * * * '61' should be used daily in cuspidors to prevent spreading disease," borne in the circular accompanying the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against moths in carpets, and against moths and other insects in factories, silk mills, lace mills, and worsted mills, would be an effective remedy against all vermin that infest hogs and would keep hogs healthy, would keep horses healthy and would prevent diseases in horses, would keep the chicken house deodorized and would prevent disease and make healthy chickens, would purify the air and would prevent the spreading of disease, whereas the said article, when used as directed, would not be effective for the said purposes.

On May 9, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1128. Misbranding of Oxygenos. U. S. v. 2 Gross Packages of Oxygenos. Default order of destruction entered. (I. & F. No. 1464. S. No. 183.)

On October 25, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 gross packages of Oxygenos. It was alleged in the libel that the article had been shipped on or about April 13, 1927, by the Creofloat Manufacturing Co., Inc., from Seattle, Wash., into the State of California, and that having been so transported it remained unsold in the original unbroken packages at Los Angeles, Calif., and that it was a misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the libel that the article was misbranded in that the statements, to wit, "Oxygenos A safe and lasting Disinfectant and deodorizer for private houses, offices, factories, theatres, etc., it will purify the air by evaporation and thus prevent the spreading of infectious diseases such as Influenza, Typhoid, Scarlet Fever, Diphtheria, etc.. * * * Oxygenos Disinfecting

Tablets are guaranteed to keep their deodorizing qualities for 4 months * * * Oxygenos A safe and lasting Disinfectant and Deodorizer for private houses, offices, factories, theatres, etc., * * * Unexcelled for the prevention of moth and its larvae, ants, etc.," borne on the label affixed to the packages containing the article, were false and misleading, and by reason of the said statements the said article was labeled so as to deceive and mislead the purchaser, in that they represented that the article was a disinfectant, would purify the air and prevent the spreading of infectious diseases such as influenza, typhoid, scarlet fever, diphtheria, etc., and when used in private houses, offices, factories, theatres, etc., would prevent moths, moth larvae, ants, and all other insects that might be included under the abbreviation "etc," whereas the said article was not a disinfectant and would not be effective for the said purposes.

On November 18, 1927, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering that it be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1129. Adulteration and misbranding of Potash Fish Oil Soap No. 4. U. S. v. Crystal Soap & Chemical Co., Inc. Plea of guilty. Fine, \$100. (I. & F. No. 1477. Dom. No. 20879.)

On May 9, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crystal Soap & Chemical Co., Inc., a corporation, trading at Philadelphia, Pa., alleging that the said company had sold, on or about March 7, 1927, under a guaranty that the article should meet the requirements of the insecticide act of 1910, to the Enos F. Jones Chemical Co., Brooklyn, N. Y., a quantity of Potash Fish Oil Soap No. 4 which was an adulterated and misbranded insecticide within the meaning of said act, and that on or about March 9, 1927, a portion of the said article, in the identical condition as when received by the purchaser, was shipped by the said Enos F. Jones Chemical Co., from Brooklyn, N. Y., into the State of Georgia, in further violation of said act.

It was alleged in the information that the article was adulterated in that the statements, to wit, "Potash F O S (Picture) Fish Oil Soap No. 4 Fish Oil Soaps sold under the trade name of F O S are all made from specially selected Fish Oil * * * F O S No. 4 is a potash fish oil soap," borne on the label affixed to each of the cans containing the said article, represented that the standard and quality of the article were such that it was made from fish oil, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was not made from fish oil, but was made chiefly from fatty material other than fish oil. Adulteration was alleged for the further reason that the statements, "Potash F O S (Picture) Fish Oil Soap No. 4," borne on the label, represented that the article was made from fish oil, whereas another substance, to wit, fatty material other than fish oil, had been substituted in part for fish oil.

Misbranding was alleged for the reason that the statements, to wit, "Potash F O S (Picture) Fish Oil Soap No. 4," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article was made from fish oil, whereas it was not made from fish oil, but was made chiefly from fatty material other than fish oil.

On May 9, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1130. Misbranding of Lee's lice killer. U. S. v. 17 Quart Cans, et al., of Lee's Lice Killer. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1451. S. No. 177.)

On August 18, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 quart cans and 21 half-gallon cans of Lee's lice killer. It was alleged in the libel that the article had been shipped on or about June 27, 1927, by the Geo. H. Lee Co., Omaha, Neb., from the State of Nebraska into the State of Maryland, and that having been so transported it remained unsold in the

original unbroken packages at Baltimore, Md., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was misbranded in that the statements, to wit, "Lee's Lice Killer is intended principally for use about the poultry house, for chickens, keeping rid of mites * * * also the various forms of feather lice and body lice that habitually remain upon the chickens. See other part of this label for directions," "For Body Lice On Fowls—Apply Lee's Lice Killer liberally to the roosts a half hour before chickens go to roost at night, to get a wide evaporating surface for killing body lice it is necessary to arrange a 12 or 14 inch board directly under and close up against the roost. Apply Lee's Lice Killer to both boards and roost daily for a short time, then once a month regularly. The roost itself, should be a 2 x 3 or a 2 x 4 with top edge rounded," borne on each of the labels affixed to the cans containing the said article, and the statement, to wit, "Lee's Lice Killer. We are free from lice," used in connection with a picture of chickens, borne on the said label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used on roosts and dropping boards as directed, was an effective remedy against chicken lice that, when used as directed, it was an effective remedy against body lice on fowls, and would free chickens from lice, whereas the said article, when used as directed, would not be effective for the said purposes.

On December 19, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1131. Misbranding of Lee's lice killer. U. S. v. 3 Dozen Quart Cans, et al., of Lee's Lice Killer. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1452. S. No. 178.)

On August 19, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 dozen quart cans, 2 dozen half-gallon cans and 3 dozen gallon cans of Lee's lice killer. It was alleged in the libel that the article had been shipped by the Geo. H. Lee Co., Omaha, Nebr., in two consignments, on or about January 24, 1927, and March 17, 1927, respectively, from the State of Nebraska into the State of Missouri, and that having been so transported it remained unsold in the original unbroken packages at St. Louis, Mo., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was misbranded in that the statements, to wit, "Lee's Lice Killer is intended principally for use about the poultry house, for chickens, keeping rid of mites * * * also the various forms of feather lice and body lice that habitually remain upon the chickens. See other part of this label for directions," "For Body Lice On Fowls—Apply Lee's Lice Killer liberally to the roosts a half hour before chickens go to roost at night, to get a wide evaporating surface, for killing body lice it is necessary to arrange a 12 or 14 inch board directly under and close up against the roost. Apply Lee's Lice Killer to both boards and roost daily for a short time, then once a month regularly. The roost itself, should be a 2 x 3 or a 2 x 4 with top edge rounded," borne on the labels affixed to each of the said cans, and the statement, "Lee's Lice Killer. We are free from lice," used in connection with a picture of chickens, borne on the said labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used on roosts and dropping boards as directed, was an effective remedy against chicken lice, that when used as directed it was an effective remedy against body lice on fowls, and when used as directed would free chickens from lice, whereas the said article, when used as directed, would not be effective for the above purposes.

On October 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1132. Adulteration and misbranding of larkspur lotion. U. S. v. Continental Drug Corporation. Plea of nolo contendere. Fine, \$150. (I. & F. No. 1437. Dom. Nos. 20494, 20999, 21815.)

On July 6, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Continental Drug Corporation, a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the insecticide act of 1910, in various consignments, from the State of Missouri, on or about June 10, 1925, into the State of Kansas, on or about March 23, 1926, into the State of Florida, and on or about July 20, 1926, into the State of Iowa, of quantities of larkspur lotion, a portion of which was adulterated and the remainder of which was misbranded.

It was alleged in the information that the portions of the article shipped on or about March 23, 1926, and July 20, 1926, into the States of Florida and Iowa, respectively, were adulterated in that the statement, "Inert Ingredient, Water 34%," borne on the labels on the bottles and cartons containing the said article, represented that its standard and quality were such that it contained an inert ingredient, to wit, water, in a proportion of not more than 34 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained water in a proportion much greater than 34 per cent.

Misbranding was alleged with respect to the portion of the article shipped on or about June 10, 1925, into Kansas, for the reason that the statement, "2 Ozs.," borne on the label affixed to the bottles containing the article, represented that each of said bottles contained 2 fluid ounces of the article, whereas the contents of each of the said bottles were not correctly stated on the outside of the packages, in that they contained less than 2 fluid ounces of the said article.

On October 25, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1133. Adulteration and misbranding of Crystol soluble disinfectant. U. S. v. Crystal Soap & Chemical Co., Inc. Plea of guilty. Fine, \$100. (I. & F. No. 1460. Dom. Nos. 22210, 22397, 22405.)

On December 2, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crystal Soap & Chemical Co., Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company, in violation of the insecticide act of 1910, on or about March 24, 1927, from the State of Pennsylvania into the State of Massachusetts, and on or about April 15, 1927, from the State of Pennsylvania into the State of New Jersey, of a number of cans and bottles containing a product labeled, "Crystol Soluble Disinfectant," which was a fungicide within the meaning of said act, and a portion of which was misbranded and the remainder of which was adulterated and misbranded.

It was alleged in the information that the portion of the article contained in the said cans was adulterated in that the statement, to wit, "Inert Matter, 10% (water)," borne on the label affixed to one of the said cans, and to the wooden jacket enclosing the other can, represented that the standard and quality of the article were such that it contained inert matter, to wit, water, in the proportion of not more than 10 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained inert matter, water, in a proportion much greater than 10 per cent.

Misbranding was alleged with respect to the article contained in the said cans for the reason that the statement, "Inert matter, 10% (water)," borne on the labels aforesaid, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that the said article contained inert matter, water, in the proportion of not more than 10 per cent, whereas, it contained inert matter, water, in a proportion much greater than 10 per cent.

Misbranding was alleged with respect to the product contained in the said cans and in the said bottles, for the reason that the article consisted partially of an inert substance, to wit, water, that is to say, a substance that does not prevent, destroy, repel or mitigate fungi, and the name and percentage amount

of the said inert substance or ingredient so present in the article were not stated plainly and correctly on the label affixed to the containers, nor in lieu thereof were the name and percentage amount of each and every ingredient of the article having fungicidal properties, and the total percentage of the inert substance or ingredient so present therein stated plainly and correctly on the said labels.

On January 11, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1134. Misbranding of Star parasite remover. U. S. v. William Jesse Lindsey. Plea of guilty. Fine, \$25. (I. & F. No. 1468. Dom. No. 20545.)

On January 9, 1928, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William Jesse Lindsey, trading as the Star Chemical Co., Arlington, Texas, alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about July 3, 1926, from the State of Texas into the State of Louisiana, of a quantity of Star parasite remover, which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Analysis—Active Ingredients, 29 per cent Sulphur Lime Calcium Polysulphide, Calcium Thiosulphate, Inert ingredients, 71 per cent," borne on the label affixed to each of the bottles containing the said article, were false and misleading in that the said statements represented that the article contained active ingredients, that is to say, substances that do prevent, destroy, repel, or mitigate insects, in the proportion of not less than 29 per cent, and contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 71 per cent, whereas it contained less than 29 per cent of active ingredients, and contained more than 71 per cent of inert ingredients.

Misbranding was alleged for the further reason that the statements, to wit, "Star Parasite Remover A Poultry Remedy * * * And Parasite Remover * * * Directions. For grown fowls add 15 drops to one gallon of drinking water or milk; 10 drops for baby chicks given in mash feed, give teaspoonful for each 100 fowls. Give each day for 5 days, then wait 10 days and repeat—after three treatments of 5 days each—to keep fowls free from intestinal worms and parasites and all blood-sucking lice, mites, fleas and blue bugs. Give in feed or water once each week. * * * Our Guarantee Star Parasite Remover is guaranteed to rid poultry of all intestinal worms and parasites, of all blood sucking lice, of mites, fleas and blue bugs, if above directions are followed or we will refund the purchase price," "Star Parasite Remover A Poultry Remedy A Tonic Worm Expeller and Parasite Remover * * * Also it is a good tonic, blood purifier, health builder and disease preventative. For Dogs with Mange * * * A Disease preventative," borne on the labels of the said bottles, and the statements, to wit, "Star Parasite Remover, A wonderful poultry remedy * * * A good tonic—a blood purifier, health builder—egg producer and disease preventative. * * * Simple and Easy to Use. Add 15 drops to one gallon of fowls drinking water or mix 15 drops in moist feed for every 25 fowls. Give 5 days. Then wait 10 days. Then give 5 days again. Then wait 10 days and give 5 more days. After these 3 treatments give once each week and you will have fowls free from blood-sucking lice, mites, fleas, blue bugs. Also free of all intestinal worms, intestinal parasites, etc. Results Guaranteed or Money Refunded. After using Star Parasite Remover diligently for 60 days, if you are not thoroughly convinced that your fowls (chickens and turkeys) are not being kept free of destructive insects, intestinal worms, and parasites, kept hardier, healthier, produce more eggs, then bring back the bottle and get your money (all dealers are authorized to refund the money to any one not satisfied). * * * Testimonials. For three years I have used Star Parasite Remover and during this time have had no trouble or loss from insects, worms or any kind of parasites. Have had no sickness among flock, got lots of eggs, had good hatches and strong young chicks. Would not be without it. Mrs. W. O. Evans, Iowa Park, Texas. Many others write us giving just such statements, which will be furnished on request. Better Keep them Free of Insects and Healthy. Prevention is cheaper than cure," borne on the circular

accompanying the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against all blood-sucking lice, mites, fleas, and blue-bugs and against all other parasites that infest or attack poultry, would be a remedy, preventative and treatment in diseases of poultry, would prevent the infestation of the intestinal tract of poultry with worms, would free the intestinal tract of poultry of all worms and all parasites, would act as a tonic, blood purifier, health builder and disease preventative for poultry, would be effective as a tonic for expelling all worms, and would be effective for all types of mange on dogs, would prevent disease, would be an effective remedy against all parasites, against blood-sucking lice, mites, fleas and blue-bugs that infest or attack fowls and against all parasites of chickens and turkeys and all insects and all kinds of parasites that infest poultry, would prevent the infestation with and would free the intestinal tracts of fowls from worms and all other parasites and would be effective for all conditions indicated by the abbreviation 'etc.', would make and keep poultry and turkeys harder and healthier and would make them produce more eggs, would act as an influence in producing good hatches and in making strong chicks, in maintaining the health of poultry and in preventing the appearance of disease, would be effective as a tonic and blood purifier and a health builder for poultry, would be effective as an egg producer, in the prevention of all diseases and against all types and varieties of worms and other parasites that infest poultry, would prevent sickness among chicks, would increase egg production, would keep chickens and turkeys free from destructive insects, and would be a remedy, preventative and treatment in the diseases of poultry, whereas the said article, when used as directed, would not be effective for the above purposes.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used as directed, and the name and percentage amount of each and every such inert substance or ingredient so present in the article were not stated plainly and correctly on the label affixed to each of the bottles containing the said article.

On February 6, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1135. Misbranding of MacGregor's ant food. U. S. v. James Duncan MacGregor. Plea of nolo contendere. Fine, \$40. (I. & F. No. 1427. Dom. No. 20785.)

On April 22, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Duncan MacGregor, Wilmington, Del., alleging shipment by said defendant, in violation of the insecticide act of 1910, on or about May 25, 1925, from the State of Delaware into the State of Maryland, of a quantity of MacGregor's ant food, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that it contained arsenic and the total amount of arsenic present, expressed as per centum of metallic arsenic, was not stated on the label affixed to the cans containing the article. Misbranding was alleged for the further reason that the article contained arsenic in water-soluble form and the total amount of arsenic in water-soluble form so present therein, expressed as per centum of metallic arsenic, was not stated on the said label. Misbranding was alleged for the further reason that the statement, to wit, "MacGregor's Ant Food an Amazing Discovery For killing Ants, Cock Roaches, Woodlice, Snails and certain other Insects," borne on the label, was false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against ants, cockroaches, wood lice and snails, whereas the said article, when used as directed, would not be an effective remedy against ants, cockroaches, wood lice and snails.

On January 3, 1928, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$40.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1136. Adulteration and misbranding of Dethnel roach powder. U. S. v. U. S. Sanitary Specialties Corporation. Plea of guilty. Fine, \$25. (I. & F. No. 1429. Dom. No. 21653.)

On April 7, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the U. S. Sanitary Specialties Corporation, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 5, 1926, from the State of Illinois into the State of Michigan, of a quantity of Dethnel roach powder, which was an adulterated and misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statements, to wit, "Sodium Fluoride 79% * * * Inert Ingredients 11%," borne on the label affixed to each of the cans containing the said article, represented that its standard and quality were such that it contained sodium fluoride in a proportion of not less than 79 per cent, and contained inert ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, in a proportion of not more than 11 per cent, whereas the strength and purity of the said article fell below the professed standard and quality under which it was sold, in that it contained sodium fluoride in a proportion less than 79 per cent and contained inert ingredients in a proportion greater than 11 per cent.

Misbranding was alleged for the reason that the statements, to wit, "Sodium Fluoride 79% * * * Inert Ingredients 11%," borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained sodium fluoride in a proportion of not less than 79 per cent, and contained inert ingredients in a proportion of not more than 11 per cent, whereas the said article contained sodium fluoride in a proportion less than 79 per cent, and contained inert ingredients in a proportion greater than 11 per cent.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, to wit, substances other than sodium fluoride and pyrethrum powder, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the said inert substances or ingredients so present in the article were not stated plainly and correctly on the label affixed to each of the cans containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On December 28, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1137. Misbranding of Limisan. U. S. v. Florence Elliott and Gertrude W. Elliott (F. G. Webster Co.). Pleas of guilty. Fine, \$20. (I. & F. No. 1472. Dom. Nos. 20497, 21505.)

On March 31, 1928, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Florence Elliott and Gertrude W. Elliott, copartners, trading as the F. G. Webster Co., Kansas City, Mo., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about October 5, 1925, from the State of Missouri into the State of Texas, and on or about March 1, 1926, from the State of Missouri into the State of Arizona, of quantities of Limisan, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that it consisted completely of inert substances or ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used as directed, and the name and the percentage amount of each and every substance or ingredient so present in the said article were not stated plainly and correctly, or at all, on the label affixed to the packages containing the article.

On April 11, 1928, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1138. Misbranding of Pom's Golden Wonder. U. S. v. The I. A. Pommier Co., Inc. Tried to the court and a jury. Verdict of guilty. Fines, \$325. (I. & F. Nos. 1317, 1329. Dom. Nos. 18565, 19439, 19674, 19687, 19952, 19956.)

On December 29, 1924, and March 5, 1925, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the I. A. Pommier Co., Inc., a corporation, Topeka, Kans., alleging shipment by said company, in violation of the insecticide act of 1910, in various consignments, between the dates of May 17, 1923, and November 26, 1923, from the State of Kansas into the States of Tennessee, Nebraska, Missouri and Arkansas, respectively, of quantities of Pom's Golden Wonder, which was a misbranded insecticide within the meaning of said act.

It was alleged in the informations that the article was misbranded in that the following statements, to wit, (carton and bottle) "Rids fowls of Lice, Mites, Blue-Bugs, Stick-Tights, Fleas and other blood-sucking insect pests * * * Pom's Golden Wonder when given according to directions will give the best of satisfaction for which it is intended, to rid fowl of lice and mites," (portion of cartons and bottles) "After using it for a few days the vermin leave the fowls and crawl into the cracks and crevices of nests and roosts," (carton) " * * * Directions One-half teaspoonful to each gallon of water. Lice will disappear quicker than mites or blue-bugs * * * Four or five days' treatment twice a month is sufficient to destroy these parasites and keep them away permanently. * * * Give Pom's Golden Wonder to your flock. Free them of lice * * *," (bottle) "Four or five days treatment Twice a month is usually sufficient to rid fowls of lice and mites," (portion of cartons) "Pom's Golden Wonder * * * Given in drinking water, milk or food," (portion of cartons) "Because most of the mite family live in the hen-house and attack fowls on the roost, so it takes longer to clear them out," (portion of bottles) "Directions One-half teaspoonful to the gallon of water," borne on the labels affixed to the cartons and bottles, as the case might be, containing the said article, and the statements, to wit, "Pom's Golden Wonder rids poultry of lice and mites. * * * Pom's Golden Wonder is a simple, harmless compound and will give the best of satisfaction for which it is intended. to rid the fowls of lice and mites. * * * After giving Pom's Golden Wonder three or four days the lice and mites leave the fowls and go to the nests, roosts and hen-houses. * * * Pom's Golden Wonder will rid the fowls of lice and mites without the handling of the fowls. * * * But we do guarantee Pom's Golden Wonder to rid the fowls of lice and mites * * * Successful Hatching—Fowls leave the nest and often times die while setting due to the ravage attacks of lice and mites. Pom's Golden Wonder should be given in mid winter. * * * I used Pom's Golden Wonder with the best of satisfaction for baby chicks and for keeping fowls free of lice and mites. Pom's Golden Wonder should be given three or four days before spraying the hen-house as it runs the lice off the chickens. * * * My chickens were infested with big ticks; I tried for 3 years to get rid of them. I used Pom's Golden Wonder twice. They immediately left the fowls. * * * as there are more baby chicks die from the ravage attack of lice and mites than from disease; that's why Pom's Golden Wonder helps save baby chicks," borne in the circulars accompanying the said article, and the statements, to wit, "Given in drinking water or food. * * * We have been using your Golden Wonder with our flock of white leghorns and found it alright as a * * * lice remover. * * * Moulting hens are ready prey for roup and other fall diseases. When weakened by the attacks of lice and mites they are more so. Pom's Golden Wonder should be given to tone them up and free them of lice during the moulting season," borne in certain of the said circulars, together with the statements, to wit, "Given in drinking water rids poultry of lice and mites. * * * We now have Pom's Golden Wonder, to be given one-half teaspoonful to the gallon of drinking water, four or five days twice a month, which will rid them of lice and mites. * * * It is a splendid tonic for chickens, yet distasteful to lice," borne in a letter delivered for shipment with a portion of the article, were false and misleading; and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against lice, mites, blue-bugs, stick-tights, fleas, and all other blood-sucking insect pests, and all other vermin that infest or attack fowls, would be an effective remedy against lice,

mites, and blue-bugs on fowls, would be an effective remedy against chicken lice, would cause the lice and mites to leave the fowls, and would rid fowls of lice and mites, would run the lice off the chickens and would be an effective remedy against chicken ticks and lice, would rid fowls of lice and mites, would be an effective remedy against poultry ticks, and would be an effective remedy against lice and mites on baby chicks, whereas the said article, when used as directed, would not be effective for the said purposes.

On April 16, 1928, the cases came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the jury retired, and after due deliberation returned verdicts of guilty; and the court imposed fines totaling \$325.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1139. Misbranding of Blue Mist insecticide. U. S. v. Doyre D. Marker and William C. Marker (South Mountain Hennerly Co.). Plea of guilty. Fine, \$15. (I. & F. No. 1479. Dom. No. 22668.)

On or about May 4, 1928, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Doyre D. Marker and William C. Marker, trading as the South Mountain Hennerly Co., Middletown, Md., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about June 25, 1926, from the State of Maryland into the State of Washington, of a quantity of Blue Mist insecticide, which was a misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statement, "Net Weight 24 Ounces," borne on the label affixed to each of the cans containing the said article, represented that each of the said cans contained 24 ounces of the article, whereas the contents of each of said cans were not correctly stated on the label thereof, in that each of the cans contained less than 24 ounces of the said article.

Misbranding was alleged for the further reason that the statements, to wit, "Eliminates lice, mites * * * If lice are very bad use treatment once a week at least for two or three weeks. * * * and disinfects buildings. Saves work of spraying or whitewashing buildings * * * Put all fowls out of buildings and close same as tight as possible. Apply one-fourth contents of regular size can in an old bucket or can, light with a match and set bucket near the door; stir every few minutes for best results. One-half contents of the regular size can is sufficient for a building 10 feet by 50 feet closed properly. * * * After under control use once monthly * * * as a disinfectant. Keep buildings closed for three or four hours after treatment * * *," borne on the said can label, and the statements, to wit, "Lice, mites * * * Burn all rubbish, litter, and clean up in general. Then remove poultry from buildings or coops, close same tight as possible and give heavy treatment of S. M. H. Co.'s Blue Mist Insecticide, by putting same in old bucket or pan and light with match," borne on the circular accompanying the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against chicken lice and mites, would be an effective remedy against lice, would act as an effective disinfectant, and would be an effective remedy against lice and mites, whereas the said article, when used as directed, would not be an effective remedy for the said purposes.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than sulphur, coal tar oils, wood tar and turpentine, that is to say, substances that do not prevent, destroy, repel or mitigate insects or fungi, and the name and the percentage amount of each and every one of the said inert substances so present in the said article were not stated plainly and correctly on the label affixed to each of the cans containing the article, nor, in lieu thereof, were the names and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances so present in the article stated plainly and correctly on the said label.

On May 11, 1928, a plea of guilty to the information was entered by William C. Marker, representing the South Mountain Hennerly Co., and the court imposed a fine of \$15.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1140. Adulteration and misbranding of Niagara Copo Dust. U. S. v. Niagara Sprayer Co. Plea of nolo contendere. Fine, \$60. (I. & F. No. 1444. Dom. No. 20707.)

On October 4, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Niagara Sprayer Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company, in violation of the insecticide act of 1910, on or about June 16, 1925, from the State of California into the State of Oregon, of a quantity of Niagara Copo Dust, which was an adulterated and misbranded fungicide within the meaning of said act.

It was alleged in the libel that the article was adulterated in that the statements, "Monohydrated Copper Sulfate * * * not less than 14.0% * * * Copper (as metallic) * * * not less than 5.0% (Equivalent in Copper Sulphate Crystals 19.7%)," borne on the label affixed to the cans containing the said article, represented that its standard and quality were such that it contained monohydrated copper sulphate in the proportion of not less than 14 per cent, contained copper, expressed as metallic copper, in the proportion of not less than 5 per cent, and contained the equivalent of 19.7 per cent of copper sulphate crystals, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 14 per cent of monohydrated copper sulphate, contained copper, expressed as metallic copper, in a proportion less than 5 per cent, and contained less than the equivalent of 19.7 per cent of copper sulphate crystals.

Misbranding was alleged for the reason that the above-quoted statements, borne on the label, were false and misleading, and by reason of the said statements that the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained monohydrated copper sulphate in the proportion of not less than 14 per cent, contained copper, expressed as metallic copper, in the proportion of not less than 5 per cent, and contained the equivalent of 19.7 per cent of copper sulphate crystals, whereas the said article contained less than 14 per cent of monohydrated copper sulphate, contained copper, expressed as metallic copper, in a proportion less than 5 per cent, and contained less than the equivalent of 19.7 per cent of copper sulphate.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, substances other than sulphur and monohydrated copper sulphate, that is to say, substances that do not prevent, destroy, repel, or mitigate fungi, and the name and percentage amount of each of the inert substances so present in the article were not stated plainly and correctly on the label affixed to the cans containing the said article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On June 28, 1928, a plea of nolo contendere was entered to the information on behalf of the defendant company, and the court imposed a fine of \$60.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1141. Misbranding of Carco vegetable spray. U. S. v. Carco Spray Co., Inc. Plea of guilty. Fine, \$50. (I. & F. No. 1475. Dom. Nos. 21471, 22691.)

On April 19, 1928, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Carco Spray Co., Inc., Tacoma, Wash., alleging shipment by said company, in violation of the insecticide act of 1910, in part on or about January 11, 1927, and in part on or about April 6, 1927, from the State of Washington into the State of Oregon, of quantities of Carco vegetable spray, which was a misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "For Root Maggots, Cut Worms, Crown Borer, Grubs * * * Spraying or washing with solution of one part 'Carco' and 125 (in portion of product '100') parts of water against scale * * * on Trees and Bushes. For Ear-Wig, use one part of 'Carco' Spray to 100 parts of water in spraying plants and foliage of any kind. On lawns, walks or borders,

use 50 parts of water to one part 'Carco' Spray. Too strong a mixture will burn the leaves," "Spraying or washing with solution of one part, 'Carco' and 125 (or 100) parts of water against * * * mildew on trees and bushes," borne on the label affixed to the cans containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article, when used as directed, would be an effective remedy against all root maggots, all cut worms, the crown borer and all grubs, would be an effective remedy against scale insects on trees and bushes, would be an effective remedy against the ear-wig, and would be an effective remedy against all mildews on trees and bushes, whereas the said article, when used as directed, would not be effective for the said purposes.

On June 16, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1142. Misbranding of Lee's lice killer. U. S. v. 17 Quart Cans, et al., of Lee's Lice Killer. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 1454. S. No. 181.)

On September 7, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 quart cans and 21 half-gallon cans of Lee's lice killer. It was alleged in the libel that the article had been shipped on or about July 11, 1927, by the Geo. H. Lee Co., Omaha, Nebr., from the State of Nebraska into the State of Colorado, and that having been so transported it remained unsold in the original unbroken packages at Denver, Colo., and that it was a misbranded insecticide within the meaning of the insecticide act of 1910.

It was alleged in the libel that the article was misbranded in that the statements, to wit, (can label) "Lee's Lice Killer is intended principally for use about the poultry house, for chickens, keeping rid of mites * * * also the various forms of feather lice and body lice that habitually remain upon the chickens. See other part of this label for directions," "For Body Lice On Fowls—Apply Lee's Lice Killer liberally to the roosts a half hour before chickens go to roost at night, to get a wide evaporating surface for killing body lice it is necessary to arrange a 12 or 14 inch board directly under and close up against the roost. Apply Lee's Lice Killer to both boards and roost daily for a short time, then once a month regularly. The roost itself, should be a 2 x 3 or a 2 x 4 with top edge rounded," (booklet) "The lice * * * problem is handled by once a month use of Lee's Lice Killer, * * * Destroys lice * * * but isn't it a wonderful thing to have a preparation that when painted on the roosts and dropping boards will not only destroy the mites collected there in the cracks and crevices, but the fumes rising out of the product, will also kill the body lice on the hens when they go to roost, thus saving all the labor of powdering each individual bird or otherwise individually treating for lice? * * * Lee's Lice Killer does that very thing, and has been doing it for the last thirty years. It is the greatest labor saving invention ever offered to poultrymen. Simply paint or spray liberally the roosts and dropping boards once a month with this product, full strength, and your lice troubles are over. * * * We have sold your Lice Killer as your local agent since June, 1907. During that time I do not remember having one single complaint. The people who have used it for years tell me that by using it about once a month, it will keep their poultry and poultry houses absolutely free from lice and mites. In my thirty years of experience in the retail drug business I do not know of anything that gives any better general satisfaction for the purpose recommended than Lee's Liquid Lice Killer. * * * We think Lice Killer is fine. We never used anything as good and think we tried everything you can think of. Nothing is as good as Lice Killer. * * * I am recommending your Lice Killer to every poultryman I see. I even took the time to spray and paint my neighbor's hen house so as to prove what your Lice Killer would do, and I talked to him tonight, and he said he never saw anything like it. He said he could not find any live mites or lice in his chicken house now. I am very interested in the poultry business and expect to go at it a little stronger every year from now on. and I surely will advertise your poultry and stock supplies. * * * Third. The use, once a month, regularly, of Lee's Lice Killer with grown fowls, and Lee's Louse Powder on growing chicks, in order to insure full and complete freedom from lice, * * * and other vermin," borne on

the label affixed to the cans containing the said article, and in the accompanying booklet, together with the statement, to wit, "Lee's Lice Killer. We are free from Lice," used in connection with a picture of chickens on the can label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used on roosts and dropping boards as directed, would be an effective remedy against chicken lice, and when used as directed was an effective remedy against body lice on fowls, would free chickens from lice, and would be an effective remedy against lice on poultry, against body lice on hens, against chicken lice, and against all other vermin that infest or attack poultry, whereas the said article would not be effective for the above purposes.

On June 22, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1143. Misbranding of Edjol insect exterminator. U. S. v. Edward B. Workman and Jonas M. Schrader (J. E. T. Pharmacal Co.). Pleas of guilty. Fines, \$100. (I. & F. No. 1470. Dom. No. 21992.)

On February 21, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward B. Workman and Jonas M. Schrader, copartners, trading as the J. E. T. Pharmacal Co., Allentown, Pa., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about November 21, 1926, from the State of Pennsylvania into the State of Massachusetts, of a quantity of Edjol insect exterminator, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Edjol Insect Exterminator, For the destruction of many kinds of insects, bedbugs, flies, mosquitoes, Fleas, Ants, roaches and water bugs, * * * Exterminates all kinds of destructive insect life. For fleas on dog and cats, use 1 teaspoonful in quart of water well mixed and apply well under fur," "Use in usual way. Dust well into cracks and crevices. Repeat operation with fresh powder every few days until insects are entirely exterminated," borne on the label, affixed to the cans containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against, and would exterminate, bedbugs, flies, mosquitoes, fleas, ants, roaches, and water bugs, would be an effective remedy against all kinds of destructive insect life, and would be an effective remedy against, and would exterminate, all insects, whereas the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, to wit, pyrethrum flower stems and sand, that is to say, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each of the said inert substances so present in the article were not stated plainly and correctly on the label affixed to the cans containing the article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the said article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On March 26, 1928, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1144. Misbranding of Vermaline. U. S. v. Thomas Southard (Thomas Southard Poultry Remedy Co.). Plea of guilty. Fine, \$50. (I. & F. No. 1422. Dom. No. 21270.)

On January 3, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Southard, trading as the Thomas Southard Poultry Remedy Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the

insecticide act of 1910, on or about October 23, 1925, from the State of Missouri into the State of Kansas, of a quantity of Vermaline, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Vermaline Louse and Mite Remover * * * After 5 days all parasites will have disappeared," borne on the label, affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against lice, mites, and all other parasites that infest or attack poultry, whereas, in fact and in truth, it would not. Misbranding was alleged for the further reason that the statements, to wit, "Active ingredients, 30%; Sugar, sulphur, calcium, polysulphide, calcium thiosulphate. Inert ingredients 70% water," borne on the said label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained sulphur, and contained active ingredients, namely, substances that prevent, destroy, repel, or mitigate insects when used as directed on the label, in the proportion of 30 per cent, whereas the said article contained no sulphur, as such, and did not contain active ingredients in the proportion of 30 per cent, but did consist completely of inert ingredients or substances when used in the manner directed on the said label.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used as directed on the said label, and the name and percentage amount of each and every inert substance or ingredient so present in the article were not stated plainly and correctly, together with a statement that they are inert, on the label affixed to each of the bottles containing the said article.

On February 21, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1145. Misbranding of Amvetla lime and sulphur dip. U. S. v. American Veterinary Laboratories, Inc. Plea of guilty. Fine, \$20. (I. & F. No. 1440. Dom. No. 22127.)

On January 27, 1928, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Veterinary Laboratories, Inc., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the insecticide act of 1910, on or about October 19, 1926, from the State of Missouri into the State of Kansas, of a quantity of Amvetla lime and sulphur dip, which was a misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Permitted for official dipping of cattle and sheep for scabies in dilution of one gallon to fifteen gallons of water for cattle and one gallon to twenty and one-half gallons of water for sheep," borne on the label, affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article was then permitted for official dipping of cattle and sheep for scabies, whereas it was not then permitted for official dipping of cattle and sheep for scabies.

Misbranding was alleged for the further reason that the article consisted partially of an inert ingredient, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of the said inert substance so present in the article were not stated plainly and correctly on the label affixed to each of the bottles containing the said article, nor, in lieu thereof, were the names and percentage amounts of the substances or ingredients of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On January 31, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1146. Adulteration and misbranding of Combination Dust. U. S. v. New York Insecticide Co. Plea of nolo contendere. Fine, \$25 and costs. (I. & F. No. 1445. Dom. No. 21611.)

On September 27, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the New York Insecticide Co., a corporation, Medina, N. Y., alleging shipment by said company, in violation of the insecticide act of 1910, on or about September 29, 1926, from the State of New York into the State of Maryland, of a quantity of Combination Dust, which was an adulterated and misbranded insecticide and fungicide within the meaning of said act.

It was alleged in the information that the article was adulterated in that the statement, to wit, "Nicotine Sulphate, not less than 2.5%," borne on the label affixed to the cans containing the said article, represented that its standard and quality were such that it contained not less than 2.5 per cent of nicotine sulphate, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained less than 2.5 per cent of nicotine sulphate.

Misbranding was alleged for the reason that the statement, to wit, "Nicotine Sulphate, not less than 2.5%," borne on the label, was false and misleading, and by reason of the said statement the article was labeled and branded so as to deceive and mislead the purchaser, in that it represented that the said article contained not less than 2.5 per cent of nicotine sulphate, whereas it contained less than 2.5 per cent of nicotine sulphate.

On December 1, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1147. Adulteration and misbranding of Nico-Dust No. 5, Nico-Dust No. 115, and Nico-Sulphur Dust No. 6. U. S. v. Walnut Growers Spray Mfg. Co. Plea of guilty. Fine, \$300. (I. & F. No. 1441. Dom. Nos. 20416, 20423, 20426.)

On September 9, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Walnut Growers Spray Mfg. Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the insecticide act of 1910, on or about April 11, 1925, from the State of California into the State of Arizona, of quantities of Nico-Dust No. 5 and Nico-Sulphur Dust No. 6, which were adulterated and misbranded insecticides and fungicides, and of a quantity of Nico-Dust No. 115, which was an adulterated and misbranded insecticide, within the meaning of said act.

It was alleged in the information that the Nico-Dust No. 5 was adulterated in that the statements, to wit, "Active Ingredients * * * Sulphur, not less than 45.00% Inert Ingredients Special Dust, composing carrier, not more than 53.25%," borne on the label affixed to the drums containing the article, represented that its standard and quality were such that it contained sulphur in the proportion of not less than 45 per cent, and contained inert ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects or fungi, in the proportion of not more than 53.25 per cent, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained no free sulphur, and contained a greater proportion than 53.25 per cent of inert ingredients. Adulteration of the said Nico-Dust No. 5 was alleged for the further reason that the statements, to wit, "Active Ingredients, Nicotine, not less than 1.75% Sulphur, not less than 45.00% Inert Ingredients, Special Dust, composing carrier, not more than 53.25%," borne on the label, represented that it contained not less than 1.75 per cent of nicotine, not less than 45 per cent of sulphur, and not more than 53.25 per cent of inert ingredients, whereas the said article did not consist of nicotine, sulphur, and inert ingredients, in the said proportions, but other substances, to wit, calcium compounds and siliceous material, had been substituted in part for the said article.

Misbranding of the said Nico-Dust No. 5 was alleged for the reason that the statements, to wit, "Active Ingredients * * * Sulphur, not less than 45.00%, Inert Ingredients Special Dust, composing carrier, not more than 53.25%," "A preparation made especially for * * * asparagus rust * * *," borne on the label, were false and misleading, and by reason of the said

statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 45 per cent of sulphur, and not more than 53.25 per cent of inert ingredients, and when used as directed would control asparagus rust, whereas the said article contained no free sulphur, it contained a greater proportion of inert ingredients than 53.25 per cent, and when used as directed would not control asparagus rust.

Adulteration of the Nico-Dust No. 115 was alleged for the reason that the statements, "Nicotine, not less than 2.00% * * * Note—In manufacturing 10 lbs. of weight of Nicotine Sulphate 40% strength was used to each 100 lbs." borne on the label, represented that its strength and quality were such that it contained not less than 2 per cent of nicotine, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained much less than 2 per cent of nicotine, to wit, only a trace of nicotine.

Misbranding of the said Nico-Dust No. 115 was alleged for the reason that the statements, to wit, "Nicotine, not less than 2.00 * * * Note—In manufacturing 10 lbs. of weight of Nicotine Sulphate of 40% strength was used to each 100 lbs.," "A preparation made especially for Cauliflower and Cabbage Aphis * * * and similar insects," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 2 per cent of nicotine, and when used as directed, would be an effective remedy against cauliflower and cabbage aphids, and similar insects, whereas the said article contained less than 2 per cent of nicotine, to wit, only a trace of nicotine, and when used as directed, would not be an effective remedy against cauliflower and cabbage aphids and similar insects. Misbranding of the said Nico-Dust No. 115 was alleged for the further reason that it contained arsenic in combination, and the total amount of arsenic present, expressed as per centum of metallic arsenic, was not stated on the label affixed to each of the drums containing the article, and for the further reason that it contained arsenic in combination and in water-soluble form, and the total amount of arsenic in water-soluble form, expressed as per centum of metallic arsenic, was not stated on the label affixed to the said drums.

Adulteration of the Nico-Sulphur Dust No. 6 was alleged for the reason that the statement, "Sulphur 50.00%," borne on the label, represented that its standard and quality were such that it contained 50 per cent of sulphur, whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it contained much less than 50 per cent of sulphur.

Misbranding of the Nico-Sulphur Dust No. 6 was alleged for the reason that the statements, "Sulphur, 50.00%," "Nico-Sulphur-Dust No. 6," "A preparation made especially for * * * red spiders and similar insects," borne on the label, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained not less than 50 per cent of sulphur, that it was a nicotine-sulphur dust, and when used as directed, would be an effective remedy against red spiders and all similar insects, whereas the article contained much less than 50 per cent of sulphur, it was not a nicotine-sulphur dust but was a mixture of sulphur, tobacco powder, lime, and other ingredients, and when used as directed would not be an effective remedy against red spiders and similar insects.

Misbranding was alleged with respect to all of the said products for the further reason that they consisted partially of inert substances or ingredients and the names and percentage amounts of the inert substances or ingredients so present in the articles were not stated plainly and correctly on the labels affixed to the drums containing the said article, nor, in lieu of the names and percentage amounts of the inert substances or ingredients, were the name and percentage amount of each and every substance or ingredient of the articles having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said labels.

On October 24, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1148. Misbranding of Drummond's White Fly Liquid. U. S. v. D. Harlam Drummond (Kansas City Tobacco Products Co.). Plea of guilty. Fine, \$75. (I. & F. No. 1377. Dom. No. 20018.)

On March 31, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against D. Harlam Drummond, trading as the Kansas City Tobacco Products Co., Kansas City, Mo., alleging shipment by said defendant, on or about January 28, 1925, from the State of Missouri into the State of Michigan, of a quantity of Drummond's White Fly Liquid, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "Nicotine 20 per cent, Terebinthine 10 per cent, Mineral Oil 10 per cent, Inert Ingredients 60 per cent," borne on the label affixed to the can containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser, in that they represented that the said article contained nicotine, terebinthine (turpentine) and mineral oil in the proportions declared, and contained inert ingredients, namely, substances that do not prevent destroy, repel, or mitigate insects, in the proportion of 60 per cent, whereas the percentage amount of each of the said ingredients was not correctly stated on the label, in that the article contained more than 20 per cent of nicotine, more than 10 per cent of terebinthine, more than 10 per cent of mineral oil, and less than 60 per cent of inert ingredients.

Misbranding was alleged for the further reason that the statements, to wit, "Drummond's White Fly Liquid An Insecticide For Spraying. For Greenhouse White Fly and Mealy Bug. * * * Four teaspoonfuls Drummond's White Fly Liquid to one and one half gallons of water makes a spray solution of sufficient strength to destroy White Fly on Fuchias, Pelargoniums, etc., and Mealy Bug on Coleus, Vincas, etc. Because of the oily ingredients in this mixture it is very necessary to Shake The Liquid Well before measuring it out," "One Spraying with Drummond's White Fly Liquid is usually sufficient for plants infested with White Fly, getting all the live ones. But in extreme cases two sprayings (24 hours apart) may be necessary. Allowing ten days for the hatching of the eggs or larvae, it is advisable to spray again at that time to rid the plants completely of the pests," borne on the said label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article, when used as directed, would be an effective remedy against white flies and mealy bugs, whereas, in fact and in truth, it would not.

Misbranding was alleged for the further reason that the article consisted partially of inert substances or ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each and every one of the inert substances so present in the article were not stated plainly and correctly on the label affixed to the can containing the said article, nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the said label.

On September 7, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1149. Misbranding of U-Know lice and mite remover. U. S. v. Floyd W. Ream and Harry Peters (U-Know Company). Pleas of guilty. Fines, \$150. (I. & F. No. 1324. Dom. Nos. 19432, 19455.)

On March 31, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Floyd W. Ream and Harry Peters, trustees, trading as the U-Know Company, a common law trust, Kansas City, Mo., alleging shipment by said defendants, in violation of the insecticide act of 1910, on or about September 4, 1923, from the State of Missouri into the State of Arizona, and on or about December 1, 1923, from the State of Missouri into the State of Illinois, of quantities of U-Know lice and mite remover, which was a misbranded insecticide within the meaning of said act.

It was alleged in the information that the article was misbranded in that the statements, to wit, "U-Know Lice and Mite Remover, guaranteed to rid poultry of blue-bugs, lice, mites, stick-tight fleas or any other parasites. * * * Give it to the poultry four or five days and they will be entirely free from all insects. * * * Repeat this process every two weeks and you will never have to worry about parasites," borne on the label affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser into the belief that the article, when used as directed, would be an effective remedy against blue-bugs, chicken lice, mites, stick-tight fleas, and all other parasites that infest or attack poultry, and would free poultry from all insects, whereas the said article, when used as directed, would not be effective for the said purposes. Misbranding was alleged with respect to a portion of the product for the further reason that the statements, to wit, "Do You Know U-Know Makes Your Poultry Pay a Profit One of the big reasons that poultry raisers do not make more money on their poultry is due to the vitality of their fowls, run down by being infested with Blue Bugs, Lice, Mites, and other parasites. It is just as easy to make money in the poultry business as it is to lose money, but just as long as you continue to experiment with this and that preventive for lice and mites, etc., you are going to have at least part of your flock infested and losing you money. A Remarkable New Discovery Which is positively guaranteed to remove Blue Bugs, Lice and Mites and other parasites and keep your poultry free from these pests has proven a great money-maker for all who raise poultry, whether in a large or small way. Do You Know what it is? It is U-Know Lice and Mite Remover. Simple Treatments. You simply put a few drops of U-Know Lice and Mite Remover in the drinking water for four or five days and every parasite will be gone. That is the secret of this Remarkable New Discovery. They just won't stay on any fowl that drinks water with U-Know in it. 1,000 can be treated as easily as one and the one is worth more than a dozen infested with these terrible pests. Follow Directions It is highly important that you follow the directions on each and every bottle of U-Know Lice and Mite Remover. Success depends on the fowls having only water that is treated with U-Know. If you will only do this your poultry troubles will end. Raise Profitable Poultry. There is no need to state the necessity of keeping your flock free from parasites. Thousands of dollars are made each year in the poultry business and just as much is lost on account of parasites. Which Side Are You On? Are you allowing these terrible pests to sap the vitality out of your fowls thereby sapping the profits out of your pockets, or are you using a remedy that is guaranteed to produce results? Do not delay any longer. Act now. U-Know Lice and Mite Remover is always sold under a money back guarantee whether you buy from your dealer or direct from us. Our Guarantee We claim that U-Know Lice and Mite Remover will rid your poultry of all Lice, Mites, Blue Bugs, Stick-tight Fleas and other parasites, if you will follow the directions on each and every bottle. * * * Try the new way and the only way. Give U-Know Lice and Mite Remover one fair trial to satisfy yourself our claims are correct; examine any of your fowls after four or five days after putting U-Know in their drinking water; you will find the Lice, Mites, Blue Bugs and other parasites gone, and gone to stay, if you will continue the use of U-Know Lice and Mite Remover in the drinking water every two weeks. Gentlemen: I wish to thank you for the advice in regard to making my chickens more healthy, and you surely know the secret. I did find that my chickens were lousy and that they were not producing the results that they should, and following the advice you gave me through one of your ads, I purchased a bottle of your Lice Remover and found it entirely satisfactory. My chickens are more healthy and I attribute this to the fact that they are free of all insects. I have given U-Know Lice and Mite Remover a trial on my chickens. After five days' trial I am unable to find any trace of lice or mites. It is also a tonic. The poultry world should rejoice that such a remedy has been discovered. Some of my chickens were so full of lice and mites that the red color had left their combs and they had begun to get a blue tinge. By accident I heard of your remedy called U-Know. I bought a bottle and was much surprised, in about a week, to see them have nice red combs. I also have a dog that was bothered with fleas. She would drink of the water prepared for the chickens and the fleas left her. Gentlemen: In raising chickens my greatest drawback has been the lice and mites. But after using U-Know Lice and Mite Remover my whole flock is free from these pests. I realize the necessity of having healthy poultry, for it is more profit-

able to me. I thoroughly recommend this preparation to anyone," borne in a circular shipped with the said portion of the article, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser in that they represented that the said article, when used as directed, would be an effective remedy against blue-bugs, lice, mites, stick-tight fleas, and all other parasites and insects that infest or attack poultry, would keep poultry free from such pests, would end all poultry troubles, and would be an effective remedy against dog fleas, whereas, in fact and in truth, the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted completely of inert substances or ingredients, that is to say, substances that do not prevent, destroy, repel, or mitigate insects when used as directed, and the name and percentage amount of each of the said inert substances or ingredients so present in the article, together with the statement that they are inert substances, were not stated plainly and correctly on the label affixed to each of the bottles containing the said article.

On September 7, 1927, the defendants entered pleas of guilty to the information, and the court imposed fines totaling \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

1150. Misbranding of Ucco insecticide. U. S. v. Union Chemical Co. Plea of guilty. Fine, \$100. (I. & F. No. 1448. Dom. No. 22369.)

On October 7, 1927, the United States attorney for the middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Control Corporation, Coudersport, Pa.; and on April 4, 1928, the said information was amended to name the Union Chemical Co. as defendant therein. It was alleged in the information as amended that on or about January 29, 1927, the said defendant had shipped, in violation of the insecticide act of 1910, from the State of Pennsylvania into the State of New Jersey, a quantity of Ucco insecticide, which was a misbranded insecticide within the meaning of said act.

Misbranding of the article was alleged in the information for the reason that the statements, "Active Ingredients 78% Inactive Ingredients 22%," borne on the label affixed to the bottles containing the said article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained active ingredients, namely, substances that prevent, destroy, repel, or mitigate insects, in the proportion of not less than 78 per cent, and contained inactive ingredients, namely, substances that do not prevent, destroy, repel, or mitigate insects, in the proportion of not more than 22 per cent, whereas it contained active ingredients in a proportion less than 78 per cent, and contained inactive ingredients in a proportion greater than 22 per cent.

Misbranding was alleged for the further reason that the statements, to wit, "Used as an emulsion, applied to the surface of sod, turf or soil for the control of the * * * corn borer * * * Ucco Insecticide for the control of the corn borer * * * bugs, beetles * * * Ucco Insecticide throws off a poisonous gas toxin for insects, bugs and pests which breathe by the pore route," borne on the bottle labels, were false and misleading, and by reason of the said statements the article was labeled and branded so as to deceive and mislead the purchaser into the belief that the said article, when used as directed, would be an effective remedy against the corn borer, all bugs and all beetles, and would be an effective remedy against all insects, all bugs, and all pests which breathe by the pore route, whereas the said article, when used as directed, would not be effective for the said purposes.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance or ingredient, to wit, water, that is to say, a substance that does not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of the said inert substance so present in the article were not stated plainly and correctly on the label affixed to the bottles containing the said article, nor, in lieu thereof, were the names and percentage amounts of the substances or ingredients of the article having insecticidal properties, and the total percentage of the inert substances so present therein stated plainly and correctly on the said label.

On May 7, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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